

EDWARDS ANGELL PALMER & DODGE LLP
Rory J. McEvoy (RM 1327)
Attorneys for Defendants
750 Lexington Avenue
New York, New York 10022
212.308.4411

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARC D. SIEGEL,

08 Civ. 5424 (DC)

Plaintiff,

-against-

NOTICE OF MOTION

PITNEY BOWES INC., ROBERT KELLY, MANAGER
PITNEY BOWES, EDWARD RODRIGUEZ,
SUPERVISOR PITNEY BOWES, PHIL WEED,
MANAGEMENT SUPERVISOR PITNEY BOWES and
BRIAN ROLAND, HUMAN RESOURCES PITNEY
BOWES,

Defendants.

PLEASE TAKE NOTICE that upon the annexed Declaration of Rory J. McEvoy, Esq. and the exhibit thereto, the accompanying Memorandum Of Law In Support Of Defendants' Partial Motion To Dismiss, and all prior pleadings and proceedings in this action, Defendant Pitney Bowes Inc. and Defendants Robert Kelly, Edward Rodriguez, Phil Weed and Brian Roland (the "Individual Defendants") will move this Court at the Courthouse, 500 Pearl Street, Courtroom 11B, New York, New York 10007, on a date to be determined by the Court for an order pursuant to Fed. R. Civ. Pro. 12(b)(6) dismissing the Complaint with prejudice against the Individual Defendants and dismissing the third cause of action against Pitney Bowes Inc.

Dated: August 8, 2008
New York, New York

EDWARDS ANGELL PALMER & DODGE LLP

By: Rory McEvoy /sa
Rory J. McEvoy (RM 1327)
750 Lexington Avenue
New York, New York 10022
212.308.4411

To: Andrew J. Schatkin, Esq.
The Law Offices of Andrew J. Schatkin
Attorney for Plaintiff
350 Jericho Turnpike
Jericho, New York 11753
516.932.8120

EDWARDS ANGELL PALMER & DODGE LLP
Rory J. McEvoy (RM 1327)
John G. Stretton (JS 1051)
Attorneys for Defendants
750 Lexington Avenue
New York, New York 10022
212.308.4411

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

MARK D. SIEGEL,

Plaintiff,

Index No.: 112884/07

-against-

AFFIDAVIT OF SERVICE

PITNEY BOWES, INC., et al.,

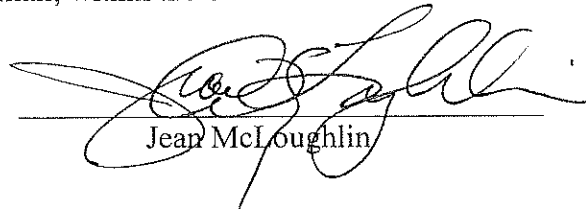
Defendants.

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

Jean McLoughlin, being duly sworn, deposes and states that she is over the age of 18, is not a party to this action, and on the 11th of August 2008, she caused a true copy of the foregoing NOTICE OF MOTION with accompanying declaration and exhibit to be served upon:

Andrew J. Schatkin, Esq.
Attorney for Plaintiff
350 Jericho Turnpike
Jericho, New York 11753

by depositing a true copy of said document enclosed in prepaid, sealed wrapper, properly addressed to the above-named party, in an official depository under the exclusive care and custody of the United States Postal Service, first class mail, within the State of New York.



Jean McLoughlin

Sworn to before me this
11th day of August 2008



Notary Public

JULIA RABINOVICH
Notary Public, State of New York
No. 01RA6181248
Qualified in New York County
Commission Expires Jan. 28, 2012